

DECLARATION (37 CFR §1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Highly Selective Norepinephrine Reuptake Inhibitors and Methods of Using the Same**, Docket No. 6248.N, the specification of which

☐ is attached hereto.

☒ was filed on June 22, 2000, as Application Serial No. 09/599,213, and was amended on .

☐ was filed on as PCT International Application No. PCT/US and was amended under PCT Article 19 on , if applicable.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

| <u>Application Serial No.</u> | <u>Filing Date (Day/Month/Year)</u> |
|-----------------------------------|---|
| 60/141,968 | July 1, 1999 |
| 60/144,131 | July 16, 1999 |
| 60/158,256 | October 6, 1999 |
| 60/170,381 | December 13, 1999 |

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

| <u>Application Serial No.</u> | <u>Country</u> | <u>Filing Date (Day/Month/Year)</u> | <u>Priority Claimed (Yes/No)</u> |
|-----------------------------------|----------------|---|--------------------------------------|
|-----------------------------------|----------------|---|--------------------------------------|

I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Application
Serial No.**

Filing Date

**Status (Patented,
Pending, Abandoned)**

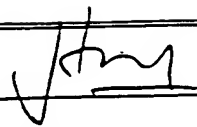
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith:


| | |
|---|---|
| Carl W. Battle (Registration No. 30,731) | Edward F. Rehberg (Registration No. 34,703) |
| James D. Darnley, Jr. (Registration No. 32,958) | Bruce A. Pokras (Registration No. 32,748) |
| Bruce Stein (Registration No. 27,231) | Ellen K. Park (Registration No. 34,055) |
| Thomas A. Wootton (Registration No. 35,004) | James J. Napoli (Registration No. 32,361) |
| Lucy X. Yang (Registration No. 40,259) | Sandip H. Patel (Registration No. 43,848) |
| Andrew M. Solomon (Registration No. 32,175) | James P. Zeller (Registration No. 28,491) |

I hereby request that all correspondence and telephone communications be directed to the following person(s) at the mailing address and telephone number hereafter given:

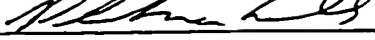
| | | |
|-------------------------|----------|---|
| Name | : | James J. Napoli |
| Registration No. | : | Registration No. 32,361 |
| Address | : | Marshall O'Toole Gerstein Murray & Borun 6300 Sears Tower 233 South Wacker Drive Chicago IL 60606-6402 |
| Telephone No. | : | 312-474-6614 |
| Telefax No. | : | 312-474-0448 |

Inventor's Signature  Date 7-31-00

Full name of sole or first inventor: Erik H.F. Wong
Residence: Portage, Michigan Citizenship: USA
Post Office Address: 7352 Hampstead Lane, Portage, Michigan 49024

Inventor's Signature  Date 7/19/00

Full name of second joint inventor: Saeeduddin Ahmed
Residence: Indianapolis, Indiana Citizenship: USA
Post Office Address: 5002 Brandywine Drive, #416, Indianapolis, Indiana 46241

Inventor's Signature  Date 7-26-00

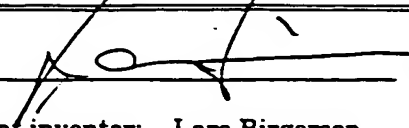
Full name of third joint inventor: Robert C. Marshall
Residence: Mattawan, Michigan Citizenship: Great Britain
Post Office Address: 7560 Fieldwood Circle, Mattawan, Michigan 49071

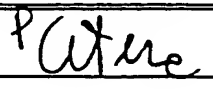
Inventor's Signature  Date 3/AUG/2000

Full name of fourth joint inventor: Robert McArthur
Residence: Kalamazoo, Michigan Citizenship: Great Britain
Post Office Address: 531 Carrington Court, Kalamazoo, Michigan 49009

Inventor's Signature  Date 07/31/00

Full name of fifth joint inventor: Duncan P. Taylor
Residence: Kalamazoo, Michigan Citizenship: USA
Post Office Address: 8722 West F Avenue, Kalamazoo, Michigan 49009

| | | | |
|--|---|---------------------|---------|
| Inventor's Signature |  | Date | 7-19-00 |
| Full name of sixth joint inventor: Lars Birgeron | | | |
| Residence: Martinsville, New Jersey | | Citizenship: Sweden | |
| Post Office Address: 54 Hillcrest Road, Martinsville, New Jersey 08836 | | | |

| | | | |
|--|---|--------------------|---------|
| Inventor's Signature |  | Date | 7-18-00 |
| Full name of seventh joint inventor: Pasquale Cetera | | | |
| Residence: Annandale, New Jersey | | Citizenship: Italy | |
| Post Office Address: 5 Pine Place, Annandale, New Jersey 08801 | | | |

6248.N



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 26, 2000

PTAS

PHARMACIA & UPJOHN
JULIE LYONS, LEGAL ASSISTANT
GLOBAL INTELLECTUAL PROPERTY
301 HENRIETTA STREET
KALAMAZOO, MICHIGAN 49001-0199

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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/26/2000

REEL/FRAME: 010988/0398
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

| | |
|----------------------------------|----------------------|
| ASSIGNOR: WONG, ERIK H. F. | DOC DATE: 08/03/2000 |
| ASSIGNOR: AHMED, SAEEDUDDIN | DOC DATE: 08/03/2000 |
| ASSIGNOR: MARSHALL, ROBERT C. | DOC DATE: 08/03/2000 |
| ASSIGNOR: MCARTHUR, ROBERT | DOC DATE: 08/03/2000 |
| ASSIGNOR: TAYLOR, DUNCAN P. | DOC DATE: 08/03/2000 |
| ASSIGNOR: BIRGERSON, LARS | DOC DATE: 08/03/2000 |

ASSIGNOR:
CETERA, PASQUALE

DOC DATE: 06/03/2000

010986/0398 PAGE 2

ASSIGNEE:
PHARMACIA & UPJOHN COMPANY
301 HENRIETTA STREET
GLOBAL INTELLECTUAL PROPERTY
KALAMAZOO, MICHIGAN 49001

SERIAL NUMBER: 09599213
PATENT NUMBER:

FILING DATE: 06/22/2000
ISSUE DATE:

SHIRLIE SIMON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Facsimile Transmission

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From: Name: USPTO ASSIGNMENT DIVISION
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To: Name: PHARMACIA & UPJOHN
 Company: JULIE LYONS, LEGAL ASSISTANT
 Fax Number: 16168338897
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PATENTS ONLY**PATENTS ONLY**

To the Hon rable Commissioner of Patents & Trademarks:
Please record the attached riginal document r copy thereof.

1. Name of Party(ies) conveying an interest:

Erik H.F. Wong Duncan P. Taylor
Saeeduddin Ahmed Lars Birgeron
Robert C. Marshall Pasquale Cetera
Robert McArthur

2. Name and address of Party(ies) receiving an interest:

Pharmacia & Upjohn Company
Global Intellectual Property
301 Henrietta Street
Kalamazoo, MI 49001

3. Description of the interest conveyed:

☒ Assignment ☐ Merger
☐ Security Agmt ☐ Change of Name
☐ Other

Execution Date: August 3, 2000

4. Application number(s) or patent number(s). Additional sheet attached ☐ Yes ☒ No
If this document is being filed together with a new application, the execution date of the application is: _____ date**A. Patent Application No.(s)**

09/599,213, filed June 22, 2000

B. Patent No.(s)**5. Name and address of party to whom correspondence concerning this document should be faxed:**

Julie Lyons, Legal Assistant
Pharmacia & Upjohn, 0228-32-LAW
Global Intellectual Property
301 Henrietta Street
Kalamazoo, Michigan 49001-0199

Fax Number 616-833-8897

6. Number of applications and patents involved:

One

7. Amount of fee enclosed or authorized to be charged:

\$40.00

8. Deposit account number: 21-0718

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

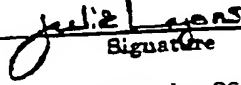
Julie Lyons
Signature

Julie Lyons, Legal Assistant
Name of Person Signing

Date: September 26, 2000

09/26/2000

PATENT/Docket No.: 8248.N/28341

| PATENTS ONLY | | PATENTS ONLY | |
|--|--|---|--|
| To the Honorable Commissioner of Patents & Trademarks: Please record the attached original document or copy thereof. | | | |
| 1. Name of Party(ies) conveying an interest: Erik H.F. Wong Duncan P. Taylor Saeeduddin Ahmed Lara Birgersson Robert C. Marshall Pasquale Cetera Robert McArthur | | 2. Name and address of Party(ies) receiving an interest: Pharmacia & Upjohn Company Global Intellectual Property 301 Henrietta Street Kalamazoo, MI 49001 | |
| 3. Description of the interest conveyed: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agmt <input type="checkbox"/> Change of Name <input type="checkbox"/> Other | | | |
| Execution Date: August 3, 2000 | | | |
| 4. Application number(s) or patent number(s). Additional sheet attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If this document is being filed together with a new application, the execution date of the application is: _____ date | | | |
| A. Patent Application No.(s) 09/609,213, filed June 22, 2000 | | B. Patent No.(s) | |
| 5. Name and address of party to whom correspondence concerning this document should be faxed: Julia Lyons, Legal Assistant Pharmacia & Upjohn, 0228-82-LAW Global Intellectual Property 301 Henrietta Street Kalamazoo, Michigan 49001-0199 Fax Number 616-833-8897 | | 6. Number of applications and patents involved: One | |
| | | 7. Amount of fee enclosed or authorized to be charged: \$40.00 | |
| | | 8. Deposit account number: 21-0718 | |
| DO NOT USE THIS SPACE | | | |
| 9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. | | | |
|  Signature | | Julia Lyons, Legal Assistant Name of Person Signing | |
| Date: September 26, 2000 | | | |

ASSIGNMENT

Title: Highly Selective Norepinephrine Reuptake Inhibitors and Methods of Using the Same
 Inventors: Erik H.F. Wong, Saeeduddin Ahmed, Robert C. Marshall, Robert McArthur, Duncan P. Taylor, Lars Birgersson, Pasquale Cetera
 Serial No.: 09/599,213 Filing Date: June 22, 2000
 Docket No.: 6248.N Country: USA

As a below-named inventor, I hereby declare that:

My post office address is as stated below under my signature and I am named as inventor of the inventions or discoveries (herein INVENTIONS) as described in the patent application (herein APPLICATION) identified above. In view of valuable consideration, receipt thereof is hereby acknowledged, I do hereby assign and transfer unto PHARMACIA & UPJOHN COMPANY, a corporation of the State of Delaware having a place of business at Kalamazoo, Michigan, its successors and assigns, my entire interest in and the full and exclusive right to the INVENTIONS, the APPLICATION and all related applications (including all divisions, reissues, continuations, and extensions thereof) and all counterparts in other countries, and any and all Letters Patent (and certificates of invention or similar certificates) (herein PATENTS) which may be granted based upon the INVENTIONS or the APPLICATION or related applications or counterparts in other countries; said transfer and assignment being applicable throughout the world. I hereby authorize and request officials of patent offices in any and all countries of the world to issue any and all of the PATENTS, when granted, to PHARMACIA & UPJOHN COMPANY, its successors and assigns, as the assignee of my entire right, title, and interest in and to the same. I agree that I will communicate to PHARMACIA & UPJOHN COMPANY, or its representatives, any facts known to me respecting the invention; testify in any legal proceedings; sign all lawful papers; execute all divisional, continuation, substitution, renewal, and reissue applications; execute all necessary assignment papers to cause any and all of the PATENTS to be issued to PHARMACIA & UPJOHN COMPANY; make all rightful oaths; and generally do everything possible to aid PHARMACIA & UPJOHN COMPANY, its successors and assigns, to obtain and enforce proper protection for the INVENTION in any and all countries throughout the world.

FULL NAME OF FIRST/SOLE INVENTOR: Erik H.F. Wong

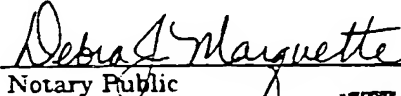
Signature of Inventor: 

Address: 7352 Hampstead Lane, Portage, Michigan 49024

STATE OF MICHIGAN
 COUNTY OF KALAMAZOO

On July 31, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____


 Notary Public

DEBRA J. MARQUETTE
 Notary Public, Kalamazoo County, MI
 My Commission Expires 8/25/2004

FULL NAME OF SECOND/JOINT INVENTOR: Saeeduddin Ahmed

Signature of Inventor: [Signature]

Address: 5002 Brandywine Drive, #416, Indianapolis, Indiana 46241

STATE OF INDIANA

COUNTY OF Marion

On July 19th 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____

Jamie L. Clark
Notary Public

Jamie L. Clark

resides in Johnson Co. Commissioner exp 1-3-2008

FULL NAME OF THIRD/JOINT INVENTOR: Robert C. Marshall

Signature of Inventor: [Signature]

Address: 7560 Fieldwood Circle, Mattawan, Michigan 49071

STATE OF MICHIGAN

COUNTY OF KALAMAZOO

On July 26, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____

Debra J. Marquette
Notary Public

DEBRA J. MARQUETTE
Notary Public, Kalamazoo County, MI
My Commission Expires 8/25/2004

FULL NAME OF FOURTH/JOINT INVENTOR: Robert McArthur

Signature of Inventor: *Robert McArthur*

Address: 531 Carrington Court, Kalamazoo, Michigan 49009

STATE OF MICHIGAN
COUNTY OF KALAMAZOO

On August 3, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____

Debra J. Marquette
Notary Public

DEBRA J. MARQUETTE
Notary Public, Kalamazoo County, MI
My Commission Expires 9/25/2004

FULL NAME OF FIFTH/JOINT INVENTOR: Duncan P. Taylor

Signature of Inventor: *Duncan P. Taylor*

Address: 8722 West F Avenue, Kalamazoo, Michigan 49009

STATE OF MICHIGAN
COUNTY OF KALAMAZOO

On July 31, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____

Debra J. Marquette
Notary Public

DEBRA J. MARQUETTE
Notary Public, Kalamazoo County, MI
My Commission Expires 9/25/2004

FULL NAME OF SIXTH/JOINT INVENTOR: Lars Birgerson

Signature of Inventor: [Signature]

Address: 54 Hillcrest Road, Martinsville, New Jersey 08836

STATE OF NEW JERSEY

COUNTY OF Somerset

On 19 July 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____

[Signature]
Notary Public

FULL NAME OF SEVENTH/JOINT INVENTOR: Pasquale Cetera

Signature of Inventor: [Signature]

Address: 5 Pine Place, Annandale, New Jersey 08801

STATE OF NEW JERSEY

COUNTY OF Somerset


On 19 July 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL _____

[Signature]
Notary Public

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

| | | | |
|----------------------|------------------------|---|---|
| Applicants: | Erik H.F. Wong et al. |) | I hereby certify that this paper is being |
| Serial No.: | To be assigned |) | deposited with the United States Postal |
| Filed: | September 24, 2003 |) | Service, on September 24, 2003 , in an |
| | (Herewith) |) | envelope addressed to Mail Stop Patent |
| Title: | METHOD OF TREATING |) | Application, Commissioner for Patents, |
| | FIBROMYALGIA AND OTHER |) | P.O. Box 1450, Alexandria, Virginia |
| | SOMATOFORM DISORDERS |) | 22313-1450, utilizing the "Expresss Mail |
| | |) | Post Office to Addressee" service of the |
| | |) | United States Postal Service under |
| | |) | Mailing Label No. EV 323772465 US. |
| Group Art Unit: | To be assigned |) | |
| Examiner: | To be assigned |) | |
| Attorney Docket No.: | 28341/6248.10 |) | |


Richard Zimmermann

ASSOCIATE POWER OF ATTORNEY

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:


The undersigned attorney of record in the above identified application hereby appoints Sandip H. Patel (Reg. 43,848) as associate attorney to prosecute this application, to make alterations or amendments therein, and to transact any and all business in the Patent and Trademark Office connected therewith.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

September 24, 2003

By:



Carl E. Moore, Jr. (Reg. No. 26,487)
Attorneys for Applicants
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300 TELEPHONE